

ORDINANCE NO. 07-61

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA GRANTING A 6-FOOT WIDE EASEMENT TO FLORIDA POWER & LIGHT COMPANY, A FLORIDA CORPORATION, FOR CONSTRUCTION, REPAIR AND REPLACEMENT OF ITS UNDERGROUND FACILITIES IN ORDER TO SERVE WALKER PARK COMMUNITY CENTER, IN SUBSTANTIALLY THE FORM AS ATTACHED. **PROPERTY LOCATED INSIDE WALKER PARK, 2825 WEST 8 AVENUE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The City of Hialeah, Florida grants a 6-foot wide easement to Florida Power & Light Company, a Florida corporation, for construction, repair and replacement of its underground facilities in order to serve Walker Park Community Center. The property is located inside Walker Park, 2825 West 8 Avenue, Hialeah, Miami-Dade County, Florida and the easement is legally described as follows:

A STRIP OF LAND 6.00 FEET WIDE BEING A PORTION OF THE EAST ½ OF THE REPLAT OF LINLEAH ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LYING AND BEING IN THE CITY OF HIALEAH, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF EAST ½ OF REPLAT OF LINLEAH ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 6, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE SOUTH 00° 03' 41" WEST (BASIS OF BEARINGS) ALONG THE WEST RIGHT-OF-WAY LINE OF WEST 8 AVENUE A DISTANCE OF 170.70 FEET TO THE POINT OF BEGINNING OF THE SAID 6.0-FOOT WIDE EASEMENT; THENCE NORTH 89° 56' 19" WEST PERPENDICULAR TO THE WEST BOUNDARY LINE OF WEST 8 AVENUE A DISTANCE OF 61.50 FEET; THENCE NORTH 00° 03' 41" EAST PARALLEL WITH THE WEST BOUNDARY LINE OF WEST 8 AVENUE, 11.10 FEET MORE OR LESS, TO THE POINT OF TERMINATION OF THE CENTERLINE OF SAID 6.0-FOOT WIDE EASEMENT. THE POINT OF TERMINATION IS LYING AT 2.00 FEET SOUTH FROM THE SOUTH WALL OF THE TWO-STORY CONCRETE BLOCK STUCCO BUILDING KNOW AS WALKER PARK COMMUNITY CENTER.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 26 day of June, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.

Attest:


Rafael E. Granado, City Clerk

Approved on this 30 day of June, 2007.


Esteban Bovo
Council President


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".

Work Request No.

EASEMENT

This Instrument Prepared By

Sec. _ , Twp _ S, Rge _ E

Name: Walker Park

Parcel I.D.

Co. Name: Florida Power & Light Company

(Maintained by County Appraiser)

Address: 2825 West 8 Avenue

Form 3722-A (Stocked) Rev. 7/94

pg 1 of 2.

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of ~~underground~~ underground electric utility facilities (including wires, ~~cables~~ cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 6 feet in width described as follows:

Reserved for Circuit Court

SEE EXHIBIT "A"

PAGE 1 of 1

**Exclusively for underground utilities;

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay ca and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to s premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of easement area which might interfere with or fall upon the lines or systems of communications or power transmission distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabo granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or throu said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 30, 2007

Signed, sealed and delivered
in the presence of:

Sandra Garcia
(Witness' Signature)

Print Name: Sandra Garcia
(Witness)

Idys Valdes
(Witness' Signature)

Print Name: Idys Valdes
(Witness)

By: Mayor

Print Name: Mayor Julio Robaina

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

Attest: Rafael E. Granado

City Clerk

Print Name: Rafael E. Granado

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

STATE OF Florida AND COUNTY OF Miami-Dade The foregoing instrument was acknowledged before me th
5 day of July, 2007, by Mayor Julio Robaina, and Rafael E. Granado, City Clerk
who is(are) personally known to me or has(have) produced _____ as identification, and wh
did (did not) take an oath. (Type of Identification)

My Commission Expires:



Approved as to form and
legal sufficiency:

William M. Grodnick
William M. Grodnick
City Attorney

EXHIBIT A

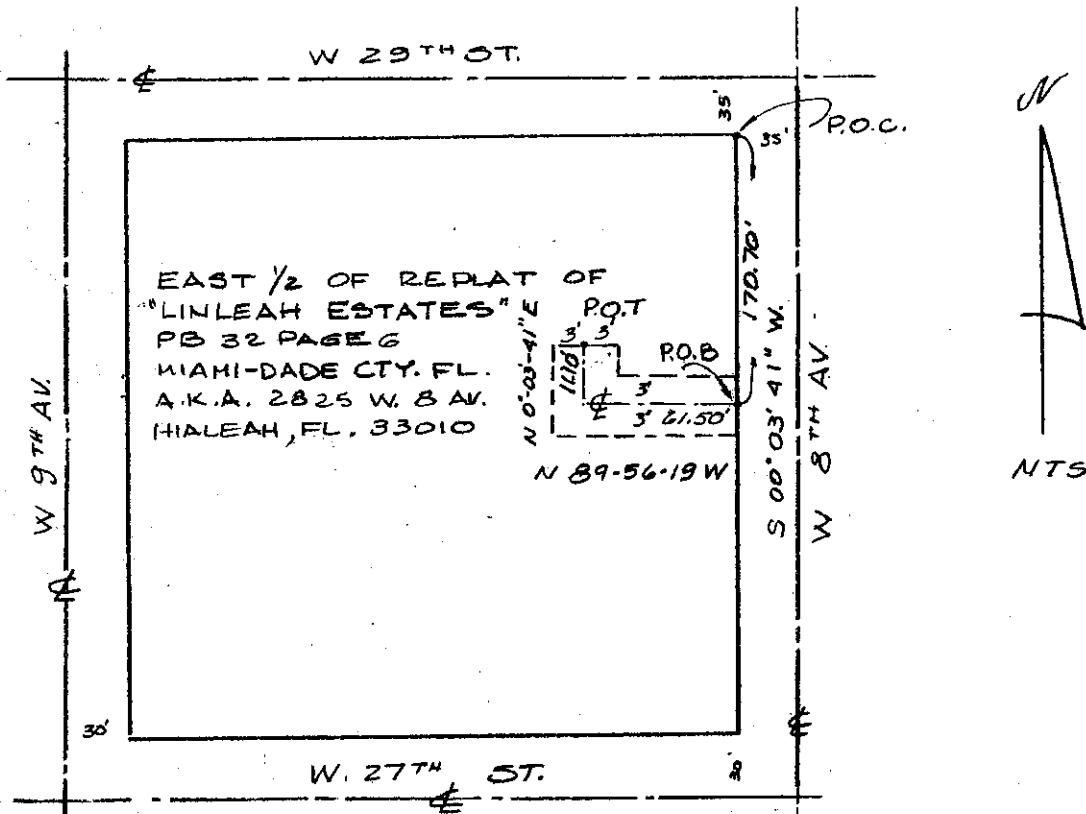
Legal description of an easement to be granted to Florida Power and Light Company at 2825 West 8th Avenue also known as Walker Park in The City of Hialeah, Florida.

A strip of land 6.00 feet wide located at 2825 W 8th Avenue also known as Walker Park in the City of Hialeah, Florida being a portion of East ½ of REPLAT of "LINLEAH ESTATES", according to the plat thereof, as recorded in Plat Book 32, at Page 6, of the Public Records of Miami-Dade County, Florida 33010. This strip of land is said to be 3.00 feet wide on each side of the more particularly described line.

Commencing at the Northeast corner of East ½ of REPLAT of "LINLEAH ESTATES", according to the plat thereof, as recorded in Plat Book 32, at Page 6, of the Public Records of Miami-Dade County, Florida 33010. Thence South 00-03-41 West (Basis of Bearings) along the West Right of Way Line of West 8th Avenue a distance of 170.70 feet to the Point of Beginning of the said 6 feet wide easement; thence N 89-56-19 W perpendicular to the west boundary line of west 8th Avenue a distance of 61.50 feet; thence N 00-03-41 E parallel with the west boundary line of West 8th Avenue, 11.10 feet more or less, to the Point of Termination of the centerline of said 6.0 feet wide easement. This point of termination is lying at 2.00 feet South from the South Wall of the two story concrete block stucco building known as Walker Park Community Center.

SKETCH OF LEGAL

NOT TO SCALE.



EASEMENT

This Instrument Prepared By

Sec. __, Twp __ S, Rge __ E

Name: Walker Park
Co. Name: Florida Power & Light Company
Address: 2825 West 8 Avenue

Parcel I.D.
(Maintained by County Appraiser)

Form 3722-A (Stocked) Rev. 7/94

pg 1 of 2.

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CFN 2007R0802763
OR 8k 25854 Pgs 2013 - 2014; (2pgs)
RECORDED 08/14/2007 11:28:44
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

Reserved for Circuit Court

SEE EXHIBIT "A"
PAGE 1 of 1

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Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of easement area which might interfere with or fall upon the lines or systems of communications or power transmission distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 30, 2007

Signed, sealed and delivered
in the presence of: _____

By: _____
Mayor

Print Name: Mayor ~~Julio~~ Robaina

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

Attest: 

City Clerk

Print Name: Rafael E. Granado

Print Address: 501 Palm Avenue

Hialeah, Florida 33010

STATE OF Florida AND COUNTY OF Miami - Dade The foregoing instrument was acknowledged before me th
5 day of July, 2007, by Mayor Tulin Robaina, and Rafael E. Gonzalez, City Clerk
 who is(are) personally known to me or has(have) produced _____ as identification, and wh
 did (did not) take an oath. (Type of Identification)

My Commission Expires:



**Approved as to form and
legal sufficiency:**

William Grodnick
William M. Grodnick
City Attorney

07-01

EXHIBIT A

Legal description of an easement to be granted to Florida Power and Light Company at 2825 West 8th Avenue also known as Walker Park in The City of Hialeah , Florida.

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